

City of Charlotte

*Charlotte-Mecklenburg Government Center
600 East 4th Street
Charlotte, NC 28202*



Meeting Agenda

Monday, February 22, 2016

Council Chambers

City Council Business Meeting

*Mayor Jennifer W. Roberts
Mayor Pro Tem Vi Lyles
Council Member Al Austin
Council Member John Autry
Council Member Ed Driggs
Council Member Julie Eiselt
Council Member Claire Fallon
Council Member Patsy Kinsey
Council Member LaWana Mayfield
Council Member James Mitchell
Council Member Greg Phipps
Council Member Kenny Smith*

CITY COUNCIL MEETING

Monday, February 22, 2016

In addition to the previously advertised public hearing items, Departments have asked that the time sensitive items listed below not be deferred.

Item#	Title
14	Police Uniforms, Related Equipment and Services
21	Airport PSA Hangar Addition
31	LYNX Blue Line Extension - Sugar Creek Pedestrian Bridge Railroad Agreement
40	Property Transactions: Mt. Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

5:00 P.M. DINNER BRIEFING, CH-14**1. Mayor and Council Consent Item Questions****Staff Resource(s):**

Ann Wall, City Manager's Office

Time: 5 minutes

Synopsis:

Mayor and Council may ask questions about Consent agenda items. Staff will address questions at the end of the dinner meeting.

2. Closed Session**Action:**

Adopt a motion pursuant to North Carolina General Statute 143-318.11(a)(4) to go into closed session to discuss matters relating to the location of an industry or business in the City of Charlotte, including potential economic development incentives that may be offered in negotiations.

3. Answers to Mayor and Council Consent Item Questions**Staff Resource(s):**

Ann Wall, City Manager's Office

Time: 10 minutes

Synopsis

Staff responses to questions from the beginning of the dinner meeting.

Call to Order

Roll Call

Introductions

Invocation

Pledge of Allegiance

4. Recognition of CIAA Basketball Week in Charlotte

Mayor Roberts will recognize Jackie McWilliams, CIAA Commissioner; Dr. Ronald L. Carter, President of Johnson C. Smith University; and Tom Murray, Chief Executive Officer of Charlotte Regional Visitors Authority as the legacy continues for the 2016 CIAA Tournament.

6:00 P.M. CITIZENS' FORUM

5. Consent agenda items 14 through 40 may be considered in one motion except for those items removed by a Council member. Items are removed by notifying the City Clerk.

Consideration of Consent Items shall occur in the following order:

- A. Consideration of Consent Items that have not been pulled, and
- B. Consideration of Consent Items with citizens signed up to speak to the item.

PUBLIC HEARING

6. Public Hearing on a Resolution to Close a Portion of E. 17th Street and an Alleyway off of E. 17th Street

Action:

- A. Conduct a public hearing to close a portion of E. 17th Street and an alleyway off of E. 17th Street, and
- B. Adopt a resolution to close a portion of E. 17th Street and an alleyway off of E. 17th Street.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property. The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- A portion of E. 17th Street and an alleyway off of E. 17th Street is located in Council District 1.

Petitioners

300 Parkwood, LLC in conjunction with property owner Jimmy and Geraldine Sherrill.

Right-of-Way to be Abandoned

The portion of E. 17th Street and alleyway off of E. 17th is located southeast of where Parkwood Avenue intersects with E. 17th Street.

Reason

The petitioner is vested in all of the abutting property and intends to reassemble this land to include a portion of E. 17th Street and an alleyway off of E. 17th Street. The assembly of this land is consistent with rezoning petition #2015-091, which was approved by City Council on October 19, 2015.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s) - All abutting property is owned by the petitioner.

Neighborhood/Business Association(s)

Optimist Park Neighborhood Association - Notified/no comments

Private Utility Companies - No objections

City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment

Map

Resolution

[Map E. 17th Street 2-22-16](#)

[Resolution to Close a portion of E. 17th Street and an alleyway off of E. 17th Street](#)

7. Public Hearing on a Resolution to Close an Alleyway off of W. 28th Street

Action:

- A. Conduct a public hearing to close an alleyway off of W. 28th Street, and**
- B. Adopt a resolution to close an alleyway off of W. 28th Street.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.
- An alleyway off of W. 28th Street is located in Council District 1.

Petitioners

Star Investments Group, LLC c/o Raj Pathak

Right-of-Way to be Abandoned

The alleyway off of W. 28th Street is located northwest of the intersection of W. 28th Street and N. Tryon Street.

Reason

The abandonment request is consistent with the owner's interests in closing the alleyway and the City's North Tryon Business Corridor Community Investment Plan project.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Lonnie C. Hanna - No objections

Neighborhood/Business Association(s)

Graham Heights Neighborhood Association - Notified/no comments

Private Utility Companies - No objectionsCity Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

Attachment

Map

Resolution

[Map W. 28th Street 2-22-16](#)

[Resolution to Close an alleyway off of W. 28th Street](#)

8. Public Hearing on a Resolution to Close a Portion of Greenwood Cliff

Action:

Continue a public hearing to close a portion of Greenwood Cliff to March 28, 2016. This item will not be heard until the Pearl Park project is ready for City Council consideration. The Economic Development & Global Competitiveness Committee will consider the Pearl Park Tax Increment Grant after Mecklenburg County considers it, likely to occur early in late February or early March.

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this City Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The abandonment of Greenwood Cliff would allow for an extension of the existing Pearl Park Way (Pearl Park Project).
- City Council voted to continue this public hearing at its Council Business Meeting on November 23, 2015.
- There are three primary actions necessary for the Pearl Park Project to move forward:
 - Approval of a proposed Text Amendment, accomplished on February 15, 2016;
 - Decision on the Pearl Park Way Extension Tax Increment Grant (March 28, 2016); and
 - Closing of a portion of Greenwood Cliff (March 28, 2016).
- The resolution to close this portion of Greenwood Cliff contains a contingency statement that requires the construction of Pearl Park Way Extension and Berkley Place Extension to be completed within five years of this action.
- The City intends to keep Greenwood Cliff open to the public until the conditions outlined in the contingency statement are met.
- Greenwood Cliff is located in City Council District 1.

Petitioners

Midtown Partners II, LLC

Right-of-Way to be Abandoned

Greenwood Cliff is located northwest of Kenilworth Avenue, neighboring the Pearl Street Neighborhood Park.

Reason

The closing of a portion of Greenwood Cliff will occur in exchange for the construction of the new Pearl Park Way extension. This first phase of this street connection will occur between Kenilworth Avenue and the remaining portion of Greenwood Cliff. In addition, this street closing will allow a number of abutting properties to be recombined in order to accommodate a new development consisting of mixed housing, office, and commercial uses. The proposed development is consistent with the Midtown-Morehead-Cherry Area Plan.

Notification

As part of the City's notification process, and in compliance with North Carolina General Statute 160A-299, the Charlotte Department of Transportation submitted this abandonment petition for review by the public and City Departments.

Adjoining property owner(s)

Mr. Alan Mayfield - Notified/no response

Mr. James Keenan - Has concerns that the proposed project design not adversely impact remaining properties.

Mr. David Earnhardt - Notified/no response

Mr. Allen James - Notified/no response

Mr. William Turner - No objections

Mr. Chester Helt - Has concerns, which he and the petitioner are working to resolve.

D&R Properties of Charlotte, LLC - Notified/no response

Amy ENT, LLC - Notified/ no response

ODOM Family, LLC - Notified/no response

Nameste Properties No. 1, LLC - Notified/no response

Liberty Greenwood Cliff, LLC - Notified/no response

Neighborhood/Business Association(s)

Charlotte Regional Realtor® Association - No objections

Private Utility Companies - No objectionsCity Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest;
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes; and
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity.

BUSINESS**9. Appointments to the Privatization/Competition Advisory Committee****Action:**

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a two-year term beginning March 2, 2016, and ending March 1, 2018.
 - William Lilly, Jr nominated by Council members Fallon, Kinsey, and Mayfield
 - James Marascio nominated by Council members Driggs, Eiselt, and Phipps
 - Matt McDonald nominated by Council members Driggs, Eiselt, and Fallon
 - Warren Neff nominated by Council member Phipps
 - Emmanuel Reid nominated by Council members Austin, Autry, and Lyles

Attachment

Privatization/Competition Advisory Committee Applicants

10. Appointment to the Zoning Board of Adjustment**Action:**

Vote on blue ballots and return to Clerk at dinner.

Staff Resource(s):

Stephanie Kelly, City Clerk

Explanation

- One appointment for a three-year term of service beginning January 31, 2016, and ending January 30, 2019.
 - Nichelle Bonaparte nominated by Council members Austin, Autry, Mayfield, Mitchell, and Phipps
 - Scott Compagna nominated by Council member Smith
 - Jessica J. Meyer nominated by Council member Kinsey
 - Irving M. Schwebel nominated by Council members Driggs, Eislet, and Fallon

Attachment

Zoning Board of Adjustment Applicants

POLICY

11. City Manager's Report

12. Non-Discrimination Ordinance

Action:

Consider adopting an ordinance amending the City Code by adding marital status, familial status, sexual orientation, gender identity, and gender expression to the list of protected characteristics in the commercial non-discrimination, public accommodations, and passenger vehicles for hire ordinances.

Staff Resource(s):

Bob Hagemann, City Attorney's Office

Ron Carlee, City Manager's Office

Willie Ratchford, Community Relations Committee

Explanation

- The proposed ordinance as drafted would:
 - Add marital status, familial status, sexual orientation, gender identity, and gender expression to the list of protected characteristics in the commercial non-discrimination and passenger vehicles for hire ordinance, as well as the list of protected characteristics that the Community Relations Committee is authorized to make recommendations for legislation or other actions to eliminate or reduce discrimination and to approve or disapprove plans to eliminate discrimination through the conciliation process, and
 - With regard to the public accommodation ordinance, add "sex" and the five new characteristics to the general prohibition of discrimination and delete the current separate section dealing with discrimination based on sex in restaurants, hotels, and motels.
- At the Dinner Briefing on February 8, 2016, the City Council received a presentation from the City Attorney on the history of Charlotte's non-discrimination ordinances, possible amendments, and legal issues related thereto.
- Also on February 8, 2016, the Director of Community Relations Committee and the Director of the Community Building Initiative discussed the forum that they hosted on February 1, 2016, at which approximately 275 people participated.
- The City Council agreed at the dinner briefing to have the proposed amendments placed on Council Business Meeting Agenda for consideration on February 22, 2016, if answers had been provided to the Council's questions.
- On February 17, 2016, the City Council received a comprehensive report based on questions raised about the proposals.
- Previously the City Council discussed these items as follows:
 - Dinner Briefing on November 24, 2014,
 - Dinner Briefing on February 9, 2015, and
 - Business Meeting on March 2, 2015, that included more than 110 speakers over a 3.5 hour period.
- As proposed, the ordinance would be effective April 1, 2016.

Attachment

Memo from City Attorney

Ordinance

Non-Discrimination Ordinance Packet

[Memo from City Attorney](#)

[Non-Discrimination Ordinance Amendments - 2016](#)

[Non Discrimination Ordinance packet](#)

[Feb 19 Supplemental Packet.pdf](#)

13. Mayor and City Council Topics

The City Council members may share information and raise topics for discussion.

CONSENT

14. Police Uniforms, Related Equipment and Services

Action:

- A. Award unit price contracts to the lowest responsive bidders (Galls, Inc. and Lawmen's Distribution, LLC) for the purchase of Police uniforms, related equipment and services for the term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Brian Russell, Police

Mike Smathers, Police

Explanation

- Annually, the Charlotte-Mecklenburg Police Department (CMPD) purchases uniforms, related equipment and services including, but not limited to, standard uniforms, alternate duty pants and shirts, and leather accessories.
- This contract impacts:
 - More than 1,800 officers, and
 - 300 civilian employees in Crime Scene, Communications, Crime Reporting Unit, and Property and Evidence.
- On October 2, 2015, the Management & Financial Services issued a two-step Invitation to Bid that required bidders to furnish sample garments for Police to wear and evaluate; three bids were received from interested service providers.
 - Vendors were allowed to bid on any of the eight categories (uniforms, footwear, leather, web gear, holsters, accessories, headwear, and badges).
 - Phase I entailed testing and evaluating alternate products submitted by bidders. Phase II requested the bidders submit pricing on all products that were approved for use.
 - During Phase I, two vendors supplied uniforms and products for evaluation.
- CMPD conducted a thorough evaluation of the uniforms and products submitted in Phase I, including a four-week wear test to evaluate uniform samples for durability, fit, and comfort.
- Staff recommends awarding to the following lowest responsive, responsible bidders:
 - Galls, Inc.: uniforms, footwear, holsters, accessories, and headwear; and
 - Lawmen's Distribution, LLC: leather and web gear.
- Galls, Inc. will provide a storefront facility as well as a web-based shopping experience that includes delivery to the division offices. The website will reduce the time an employee spends traveling to the uniform shop.
- During the solicitation, Lawmen's Safety Supply was purchased by Safariland and is now operating as Lawmen's Distribution, LLC.
- Annual expenditures are estimated at \$1,191,820.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Police Operating Budget

15. Time Warner Cable Arena Upgrades - Construction Manager at Risk

Action:

Approve a contract with Rodgers Builders, Inc. in an amount not to exceed \$18,000,000 for construction management at risk services for the Time Warner Cable Arena Upgrades to be performed between years 2016-2019.

Staff Resource(s):

William Haas, Engineering & Property Management
Steve Bagwell, Charlotte Regional Visitors Authority

Explanation

- On September 8, 2014, City Council approved \$27.5 million in capital investment to upgrade the Time Warner Cable Arena. The upgrades will be completed over the next four years with most of the improvements performed in the summers of 2016-2019.
- In addition to the \$27.5 million City contribution, the City and Charlotte Hornets agreed to each contribute approximately \$1 million per year for a 10-year period for general maintenance of the facility (Arena Maintenance & Operating Fund).
- Renovations to the suites will be funded from the Charlotte Hornets using \$1.8 million from the Arena Maintenance & Operating Fund (\$600,000/year for three years).
- In 2016, the anticipated areas of work will include:
 - Renovations to 43 suites (funded by the Hornets contribution),
 - Performer dressing rooms
 - Officials locker room,
 - Three visiting team locker rooms,
 - Plumbing repairs, and
 - Roof repairs.
- Construction is proposed to begin in May 2016 and continue through the summer while the NBA is in its off season.
- Work completed in 2015 and the anticipated work in 2016 will prepare the Arena to host the 2017 NBA All Star Game.
- Work planned for years 2017-2019 will include both general repairs and capital improvements to the Arena.
- On September 30, 2015, five firms submitted proposals. Rodgers Builders, Inc. was selected by a committee comprised of staff from the City of Charlotte, Charlotte Regional Visitors Authority and Charlotte Hornets. Rodgers Builders, Inc. was selected using the Council-approved qualification based selection process.

Background

- As the Construction Manager at Risk, Rodgers is responsible for:
 - Monitoring the design process for adherence to the project budget,
 - Scheduling and managing all phases of construction and the performance of all of its subcontractors in the construction of the project,
 - Pre-qualifying first tier sub-contractors as required by State statute,
 - Organizing the work into bid packages, conducting a public bidding process for each subcontracting opportunity, and awarding each package to the lowest, responsive, responsible bidder,
 - Implementation of the City's Charlotte Business Inclusion (CBI) plan with a 2016 goal of 10% Small Business and 15% Minority Business, and
 - Substantial completion of the 2016 work by October 1, 2016.
- The Construction Manager at Risk contract value includes contingency for unknown scope.

- Staff anticipates the annual expenses through this contract will be approximately:
 - 2016: \$3,700,000,
 - 2017: \$5,300,000,
 - 2018: \$4,000,000, and
 - 2019: \$5,000,000.
- The total project budget for Rodgers Builders, Inc. is \$18,000,000.

Charlotte Business INclusion

The City has established a 2016 goal of 15% MBE and 10% SBE. As scopes of work are developed in years 2017-2019, MSBE goals will be established and approved for each individual year by the City's CBI Manager.

Fiscal Note

Funding: Tourism Capital Project Fund and Arena Maintenance & Operating Fund

Attachment

Time Warner Cable Arena Council Action Summary

[TWC Council Action Summary](#)

16. Independence Boulevard Widening Intelligent Transportation System Work

Action:

- A. Adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with the North Carolina Department of Transportation in the amount of \$241,938, and**
- B. Adopt a budget ordinance appropriating \$241,938 from the North Carolina Department of Transportation for performing Intelligent Transportation System work in conjunction with the widening of Independence Boulevard.**

Staff Resource(s):

Charles Abel, Transportation

Explanation

- On April 8, 2013, City Council approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) in the amount of \$472,000 for the traffic signal work on the Independence Boulevard Widening project.
- An Intelligent Transportation System consists of fiber optic cabling combined with traffic management cameras, dynamic message signs, and other traffic information devices that provide the ability to remotely adjust traffic signals to improve traffic flow in response to changing conditions during normal and emergency situations.
- The Supplemental Agreement in the amount of \$241,938 from the NCDOT is needed to ensure the City is fully reimbursed for the work it performs in the Intelligent Transportation System phase.
- The additional \$241,938 will fund the extension of the fiber optic communications network to the traffic signals and the installation of traffic management cameras.

Charlotte Business INclusion

This is an Interlocal Agreement contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Transportation General Community Investment Plan and the North Carolina Department of Transportation

Attachment

Budget Ordinance
Resolution

[CDOT ord 2-22-16 NCDOT Contributions-ITS](#)

[Resolution](#)

17. Southeast Corridor Infrastructure Planning and Design Services

Action:

Approve a contract in the amount of \$2,300,000 with American Engineering Associates - Southeast, P.A. for Southeast Corridor Infrastructure.

Staff Resource(s):

Derrel Poole, Engineering & Property Management

Tim Greene, Engineering & Property Management

Explanation

- Southeast Corridor Infrastructure includes \$25 million for the Land Acquisition and Street Connections Program to build key street connections in order to increase land use accessibility, encourage reinvestment in the area through construction of new retail and housing, increase employment, and improve mobility.
- These projects will advance the goals of the Independence Boulevard Area Plan adopted by City Council in 2011 and will focus on street improvements and connections to neighborhood services for pedestrians, bicyclists, motorists, and transit users.
- On August 25, 2014, the City Council approved an initial contract in the amount of \$225,000 to American Engineering Associates - Southeast, P.A. (AEA) for advance planning services for the Southeast Corridor Infrastructure. City Council was informed that the contract was for advance planning services only.
- AEA has completed the advance planning phase, which included identification and prioritization, market analysis, and community engagement:
 - Project identification and prioritization included more than 50 projects to review for incorporating pedestrian, bicycle, and aesthetic improvements, complement other public investment in the area and provide opportunities to leverage private investment,
 - Market analysis identified areas with greatest market strength, and
 - Community engagement involved 30 stakeholder interviews and two open houses with more than 200 participants.
- The contract will include final planning and design services for two infrastructure projects identified and prioritized during the advance planning phase and planning services for five additional infrastructure projects. This work will allow staff to refine construction project needs and costs for the future.
- Planning and design services totaling \$1,091,785 will include but is not limited to:
 - Urban street design,
 - Traffic analysis,
 - Public involvement,
 - Alternative analysis,
 - Environmental and natural resource assessments,
 - Geotechnical investigations,
 - Field surveys,
 - Permitting,
 - Right-of-way plans,
 - Traffic control plans,
 - Structure design,
 - Erosion control plans,
 - Cost estimates, and
 - Final design plans for construction (to be funded through future bond referendums).
- The two projects include:
 - Pierson Drive Extension (existing terminus at the Super Wal-Mart on Independence Boulevard to the intersection of Shade Valley Road and Monroe Road); and
 - Wendover/Pierson Frontage Road Connection to Eastway Drive (Wendover Road interchange)

- at Independence Boulevard to Wendover/Pierson Frontage Road).
- Planning services in this contract total \$838,341. The five infrastructure planning services projects include:
 - Wendover/Pierson Frontage Road (Pierson Drive in front of the Super Wal-Mart to the Wendover Road Interchange at Independence Boulevard)
 - Wallace Road Extension (Sharon Forest Drive intersection to Village Lake Drive)
 - Idlewild/Farmingdale Frontage Road (Farmingdale Drive to Idlewild Road at the Dion Avenue Intersection)
 - Coliseum Drive Extension (Commonwealth Avenue to the existing Coliseum Drive terminus at the Claremont Apartments);
 - Waterman/Eastway Frontage Road (Waterman Avenue to the Eastway Drive interchange at Independence Boulevard).
 - The remaining costs of the contract in the amount of \$369,874 will cover project expenses including permitting fees, renderings/graphics, reproduction of plans and additional services.
 - On May 25, 2014, a Request for Qualifications was advertised; seven proposals were received from interested service providers.
 - AEA was selected using the Council-approved, qualifications-based selection process and best meets the City's needs in terms of qualifications and experience of the firm and team members.
 - \$12.5 million of the total \$25 million funding for the Land Acquisition and Street Connections Program was approved by voters as part of the November 2014 Bond Referendum. The remaining \$12.5 million in project funding is scheduled for the 2016 Bond Referendum.
 - Continuation to the construction phase for some of the projects included in this planning and design contract will be contingent on voter approval of the 2016 bonds.

Charlotte Business INclusion

The City negotiated subcontracting participation after the proposal selection process (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). American Engineering Associates - Southeast, P.A. has committed 10.00% (\$231,011) of the total contract amount to the following certified firms:

- Hinde Engineering, Inc. (SBE) (\$101,928) (utility coordination)
- Capstone Civil Group, PA (SBE, MBE) (\$68,066) (geotechnical services)
- US Infrastructure of Carolina, Inc. (SBE) (\$61,017) (draining services)

Fiscal Note

Transportation General Community Investment Plan

Attachment

Map

[Location Map - Land Acquisition and Street Connections](#)

18. Airport Construction Management Software

Action:

- A. Approve a five year contract with e-Builder to provide a cloud-based construction project management software,
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded.

Staff Resource(s):

Brent Cagle; Aviation

Explanation

- As the country's sixth busiest airport in operations and eighth in enplanements, the Aviation Department requires construction management software to manage its large capital program.
- The Aviation Department commissioned an extensive review, including consultation with CATS, who currently uses e-Builder to manage the existing LYNX Blue Line Extension construction program. Based on the review, staff determined the e-Builder construction program management tool meets Aviation's needs.
- The contract with e-Builder includes licensing and implementation services for a five-year period. The one-time expenditure for licensing and implementing the system, including the first year of service is estimated to be \$535,157 for the first year. The first year cost is higher due to one-time expenses associated with configuring the system to Aviation's specifications, including templates, process flows, and integration with existing City systems.
- Ongoing expenditures for annual maintenance and support are estimated to be \$237,782 per year, subject to adjustments as authorized by the contract or by the City Manager. These annual expenditures will be included in Aviation's operating budget and recovered through a charge to the Aviation capital program.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

19. Airport Project Construction Inspection Services

Action:

- A. Approve a professional services contract with Talbert, Bright & Ellington Inc. for general project construction inspection services for a term of three years,
- B. Authorize the City Manager to renew the contract for up to two additional, one-year extensions with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved, and
- C. Adopt a budget ordinance appropriating \$3,640,570 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Aviation Department is embarking on a \$1.6 billion Community Investment Plan over the next five years that includes multiple projects within in the Airport Operations Area.
- Federal Aviation Administration Advisory Circular 150/5100-14E outlines specific requirements for the selection of project consultants within the Airport Operations Area, including the inspection of airport construction projects. These requirements include the services of full-time inspectors during the construction or installation phase of a project, which differs from periodic inspection responsibilities.
- The contract with Talbert, Bright & Ellington, Inc. will provide for up to five project construction inspectors and all necessary equipment including vehicles and technology to assist Aviation staff with the implementation of the Aviation Community Investment Plan.
- The inspectors offer specialized skills specific to the multiple construction projects. The inspectors also will use their expertise in airport construction projects to ensure that all construction work performed complies with Federal Aviation Regulation Part 139, Airport Certification, and that the Transportation Security Administration regulations are followed during construction.
- On August 31, 2015, Aviation issued a Request for Qualifications for project construction inspection services; two proposals were received from interested service providers.
- The Aviation Department selected Talbert, Bright & Ellington, Inc. for this project based on their past experience and specialization with similar airport projects.
- Aviation will partner with Talbert, Bright & Ellington as needed for various projects throughout the contract term and be paid an hourly rate for inspection services.
- The total estimated amount of the contract over the initial term is \$3,640,570.

Disadvantaged Business Enterprise

No subcontracting goal was established because there are no subcontracting opportunities.

Fiscal Note

Funding: Aviation Community Investment Plan

The Aviation Department intends to seek Federal Aviation Administration approval to use Passenger Facility Charge (PFC) funds to pay for the additional PFC-eligible costs of these projects in PFC Application #6.

Attachment

Budget Ordinance

[Airport ORD022216 - Airport Project Construction Inspection Services](#)

20. Airport Parking Lot Lighting

Action:

- A. Approve a contract with Duke Energy not to exceed \$750,000 to install LED street lights in a parking lot, and**
- B. Adopt a budget ordinance appropriating \$750,000 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- Approximately 25% of the Long Term 4 Parking lot has permanent street lights. The remainder of the lot uses temporary, portable gasoline-powered lights.
- The contract will provide for the replacement of all existing lights, and addition of new lighting and infrastructure to support the fixtures.
- The cost for the lighting installation includes new underground conduit, electrical circuits, concrete foundations, metal poles, and new light fixtures, as well as upgrades to the existing permanent street lights.
- Aviation has chosen LED lights for their superior energy efficiency and brightness.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Community Investment Plan

Attachment

Budget Ordinance

[Airport ORD022216 - Airport Parking Lot Lighting](#)

21. Airport PSA Hangar Addition

Action:

- A. Award a contract in the amount of \$1,255,650 to the lowest responsive bidder Encompass Building Group, Inc. for the construction of PSA Hangar Addition,
- B. Approve a lease amendment with American Airlines for additional costs associated with construction of the PSA maintenance hangar, and
- C. Adopt a budget ordinance appropriating \$1,255,650 from the Aviation Discretionary Fund to the Aviation Community Investment Plan Fund.

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The Airport built an aircraft maintenance hangar for MESA Airlines, Inc. in 2006 and subsequently leased it to MESA Airlines, Inc.
- American Airlines recently negotiated a contract with PSA Airlines, Inc. for PSA to replace MESA Airlines, Inc. as one of its American Eagle carriers.
- PSA Airlines, Inc. began limited operations in the hangar in December 2014 and has requested a loading dock and an additional 7,500 square feet of hangar space for parts storage and an engine repair shop.
- On June 22, 2015, the City Council awarded a contract to Baker LPA Architects, PC in the amount of \$188,475 for the design of the hangar addition.
- On November 6, 2015, the City issued an Invitation to Bid for construction services; seven bids were received from interested service providers.
- Encompass Building Group, Inc. was the lowest responsive, responsible bidder.
- For the construction of the PSA Hangar, 100% of the costs will be captured in the monthly lease payments through the end of the term of the main hangar lease expiring December 2024, and any extensions; or if early termination, American will reimburse the Airport for any remaining unamortized value of the final construction cost.

Reject Low-Bid Explanation

- The apparent low bidder, EVS Construction & Development, Inc. did not meet the established SBE goal of 15%, proposing a total SBE utilization of 6.11% for the project.
- The apparent low bidder, EVS Construction & Development, Inc. did not meet the established MBE goal of 6%, proposing a total MBE utilization of 2.16% for the project.
- Per the CBI Policy, EVS submitted SBE and MBE Good Faith Efforts documentation and after thorough review, staff determined that EVS did not meet the minimum required Good Faith Efforts (Part B: Section 4.3 of the Charlotte Business INclusion Policy).
- Staff recommends the contract be awarded to the next lowest, responsive, responsible bidder, Encompass Building Group, LLC.

Charlotte Business INclusion

Established SBE Goal: 15%

Committed SBE Goal: 15.13%

Encompass Building Group exceeded the established SBE subcontracting goal, and has committed 15.13% (\$190,000) of the total contract to the following certified firm:

- All-Pro Builders and Restoration (SBE, MBE) (\$190,000) (sitework, concrete package, project management assistance)

Established MBE Goal: 6%

Committed MBE Goal: 24.85%

Encompass Building Group exceeded the established MBE subcontracting goal, and has committed

24.85% (\$312,000) of the total contract to the following certified firms:

- All-Pro Builders and Restoration (SBE, MBE) (\$190,000) (sitework, concrete package, project management assistance)
- Superior Mechanical Systems (MBE) (\$122,000) (HVAC mechanical systems)

Fiscal Note

Aviation Community Investment Plan

Attachment

Budget Ordinance

[Airport ORD011116 - Airport PSA Hangar Addition](#)

22. Airport Computer-Based Training and Learning Management System

Action:

- A. Approve a five-year contract with The American Association of Airport Executives to provide an Airport Computer-Based Training and Learning Management System,
- B. Authorize the City Manager to approve price adjustments and amend the contract consistent with the City's business needs and the purpose for which the contract was awarded,
- C. Authorize the City Manager to purchase maintenance and support for as long as the City uses the system, and
- D. Authorize the City Manager to purchase such additional software licenses, services, and hardware as needed from time to time to operate the system.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- The Airport's current computer-based training for security badge holders has been in place since 2005. It is an in-house developed system that does not easily implement updates.
- Due to changing regulatory requirements, the current system is out of date.
- The new system will allow for updates and expandability.
- On October 15, 2015, the City issued a Request for Proposal (RFP) for an Airport Computer-Based Training and Learning Management System. In response to the RFP, the City received five proposals from interested service providers.
- Aviation staff evaluated the proposals and determined that the American Association of Airport Executives best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Approval is requested for the City Manager to purchase maintenance and support for as long as the City uses the software. This may be done by amendment to the original contract or by new contracts with the same or other vendors that may offer such services in the future.
- Approval is also sought for the City Manager to purchase such additional software licenses, services, hosting, and hardware as needed from time to time for optimal City use of the system.
- One-time expenditures for licensing and implementing the system are estimated to be \$157,425.
- Expenditures for maintenance and support are estimated to be \$22,000 per year, subject to adjustments as authorized by the contract or by the City Manager.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1 (a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

23. Airport Mid-Sized Truck Acquisition

Action:

- A. Award a unit price contract to the lowest responsive bidder Hendrick Toyota Concord for the purchase of Toyota Tacomas for the term of three years, and**
- B. Authorize the City Manager to renew the contract for up to two, one-year renewal terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Jack Christine, Aviation

Explanation

- The contract with Hendrick Toyota Concord will provide Aviation with mid-size trucks necessary to meet the needed requirements to navigate aircraft operating areas during normal operations as well as inclement weather events and off-road applications.
- Aviation will use the vehicles for general security/safety patrols, inspections, and emergency response.
- On December 9, 2015, Management & Financial Services issued an Invitation to Bid; two bids were received from interested service providers.
- Hendrick Toyota Concord was selected as the lowest responsive, responsible bidder.
- The company will be paid \$29,449 per unit.
- Estimated contract expenditures are \$58,898 annually.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Aviation Operating Budget

24. Duke Hangar License

Action:

Approve a two-year license with Duke Business Services for storage of helicopters in Group Hangar B-3 at Wilson Air Center.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- Duke Energy built its own corporate hangar at the Airport's Fixed Base Operator in 2001. Since that time, Duke Energy's fleet of aircraft has grown requiring more space.
- The license is to accommodate two helicopters for a two-year term in the Airport's Group Hangar B-3 at Wilson Air Center.
- The value of the two-year license term is \$56,068.80.

Fiscal Note

Funding: Revenue from this license will be deposited in the Aviation Operating Fund.

25. Piedmont Advantage Credit Union Lease

Action:

Approve a month-to-month lease with Piedmont Advantage Credit Union for rental space in the Terminal.

Staff Resource(s):

Brent Cagle, Aviation

Explanation

- Piedmont Advantage Credit Union has occupied space in the main passenger terminal since 1994.
- The documentation of the agreement needed to be updated to incorporate updated provisions and rental amount.
- The annual rent of \$39,557.76 is based on current rates and charges commensurate with comparable space users at the Airport.

Fiscal Note

Funding: Revenue generated from this lease will be deposited into the Aviation Operating Fund.

26. NC Clean Water State Revolving Fund Application

Action:

- A. Adopt a resolution authorizing Charlotte Water to apply for a Clean Water State Revolving Fund loan in an amount not to exceed \$21,000,000, and**
- B. Authorize City staff to take necessary actions to complete the financing, including making application to the State of North Carolina Department of Environment and Natural Resources and obtaining Local Government Commission approval**

Staff Resource(s):

Barry Gullet, Charlotte Water

Robert Campbell, Management & Financial Services

Explanation

- Charlotte Water desires to apply for a Clean Water State Revolving Fund loan for the construction of the Sugar Creek Wastewater Treatment Plant Reliability Upgrades project.
- The North Carolina Clean Water State Revolving Fund loan program offers interest free loans for projects that demonstrate a significant energy savings. A portion of this project includes the construction of a new blower building and the replacement of older air blowers with new high efficiency blowers which will result in approximately a 25% reduction in energy usage at the plant. This blower replacement is estimated to cost \$9 million and qualifies for the 0% interest rate. The remaining balance of the project (\$12 million) will have a 1.9% interest rate. The resulting blended interest rate for total financing for this project is 1.08%.
- If Charlotte Water is not selected to receive this loan, the project will be funded from the Charlotte Water Community Investment Plan, which is financed through revenue bonds at approximately 3.56% interest.
- If selected for the loan program, Charlotte Water will save approximately \$6.4 million over the 20 year term.
- The loan is available from a fund established by the state and administered by the Department of Environment and Natural Resources. The City would sign a promissory note to repay the funds, which would then be re-loaned for other projects across the state as the City makes payments.
- Charlotte Water presented a project plan to the Charlotte Water Advisory Committee on October 15, 2015, and the City Council Environment Committee on November 11, 2015.
- On November 23, 2015, City Council approved a contract with HDR Engineering Inc. of the Carolinas for the final design, procurement assistance, and construction administration services associated with this project. The selection of a Construction Manager At-Risk is in process.

Fiscal Note

Funding: Charlotte Water Debt Service Fund

Attachment

Resolution

[Resolution to apply for DENR loan 2 Sugar Creek upgrades \(3\)](#)

27. Mallard Creek Wastewater Treatment Plant Polychlorinated Biphenyl Decontamination Services

Action:

- A. Approve a contract with Synagro Central, LLC for decontamination services for a term of 395 days,
- B. Authorize the City Manager to extend the contract with Synagro Central, LLC for a term of 395 days with possible price adjustments as authorized by the terms of the contract, and
- C. Approve a budget ordinance appropriating \$10,785,000 from the Charlotte Water Fund Balance to the Charlotte Water Operating Fund. The budget ordinance will accommodate expenses related to PCB decontamination efforts.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- On February 6, 2014, wastes containing polychlorinated biphenyl (PCB) and trichlorobenzene were illegally discharged to the sewage collection system that flows to the Mallard Creek Wastewater Treatment Plant (WWTP) and the collection system that flows to the McAlpine Creek WWTP.
- Since that time, Charlotte Water has been developing decontamination and sampling plans for the Environmental Protection Agency (EPA), decontaminating rental equipment, and disposing of highly contaminated biosolids. Before this decontamination project could begin, Charlotte Water had to sample and monitor PCB concentrations to ensure that PCB levels in the biosolids were declining to prevent re-contaminating the facility.
- Structures and equipment contaminated with PCBs above certain thresholds are regulated by EPA and require decontamination to levels and by methods outlined in the Toxic Substance Control Act (TSCA).
- Materials contaminated with PCBs above certain thresholds are also regulated by the EPA and TSCA and are required to be disposed of in permitted hazardous waste landfills, boiled, or incinerated.
- On September 17, 2015, the City issued a Request for Proposal (RFP) for Mallard Creek Wastewater Treatment Plant PCB Decontamination Services. In response to the RFP, the City received four proposals from interested service providers.
- Charlotte Water evaluated the proposals and determined that Synagro Central, LLC best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- Synagro Central, LLC will be paid the unit prices set forth in the contract.
- Estimated contract expenditures are \$10.6 million in the aggregate over the 395 day term.
- On August 24, 2015, City Council approved a contract for S&ME to provide engineering and PCB testing services for the wastewater treatment facilities. Charlotte Water is developing the scope of work for the decontamination of McAlpine Creek WWTP and expects to have a vendor selected for the work in 2016.

Charlotte Business INclusion

The City requested proposers to submit an MSBE Participation Plan outlining their solicitation and utilization efforts (Part C: Section 2.1(h) of the Charlotte Business INclusion Policy). Synagro Central, LLC has identified the following certified firms to participate as the project scope is further defined:

- All Points Waste Service Inc. (MBE) (dumpster, toilet, hand sanitizer, eye wash station)
- Alpha Labor Contractors, Inc. (SBE) (temporary labor)
- Fresh Bright Corp. (SBE, MBE) (janitorial)
- Harrisburg Security Inc. (SBE) (security)

Fiscal Note

Funding: Charlotte Water Operating Budget

Attachment

Map

Budget Ordinance

[Mallard Creek WWTP Map](#)

[PCB Ordinance February 22 2016](#)

28. McAlpine Creek Wastewater Treatment Plant Combined Heat and Power Improvements

Action:

Award a contract in the amount of \$3,066,000 to the lowest responsive bidder State Utility Contractors, Inc. for the Combined Heat and Power Improvements at the McAlpine Creek Wastewater Treatment Plant.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The wastewater treatment process creates biogas that is approximately 60% methane. Currently the biogas is being used for digester heating and the excess is burned off.
- The project will change the process by burning the biogas in a specialized engine that will run a generator producing power, and heat off of the engine will be used for heating the digesters.
- The engine will produce close to 8,760 kW-hours, off-setting about one-sixth of the plant power energy use and save approximately \$350,000 in power costs annually, leading to a 10-year project payback from savings.
- On December 22, 2015, the City issued an Invitation to Bid for Combined Heat and Power Improvements at the McAlpine Creek Wastewater Treatment Plant; four bids were received from interested service providers.
- State Utility Contractors, Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be completed in one year.
- The total project cost is approximately \$4.5 million, including design and purchase of the generator.
- The project will be partially-funded by the Clean Water State Revolving Fund loan approved by City Council on June 22, 2015.

Disadvantaged Business Enterprise (MBE/WBE) Opportunity

Goals were established per the North Carolina Clean Water State Revolving Fund loan program guidelines.

Established MBE Goal: 10.9%

Committed MBE Goal: 4.97%

Established WBE Goal: 10.4%

Committed WBE Goal: 2.47%

State Utility Contractors, Inc. has committed 7.45% (\$228,380) of the total contract amount to the following certified firms:

- CITI, LLC (MBE) (\$152,500) (instrumentation)
- Dover Insulation (WBE) (\$57,380) (pipe insulation)
- CICA, Inc. (WBE) (\$10,500) (painting)
- Oliver Paving (SBE, WBE) (\$8,000) (paving)

State Utility Contractors, Inc. failed to meet the established subcontracting goals, but has earned the required Good Faith Efforts based on the Disadvantaged Business Enterprise program requirements.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[McAlpine Creek WWMF](#)

29. Wilgrove Elevated Water Storage Tank Reconditioning and Construction Administration and Inspection Services

Action:

- A. Award a contract in the amount of \$1,059,289.00 to the lowest responsive bidder Utility Service Co., Inc. for the Wilgrove Elevated Water Storage Tank Rehabilitation project, and
- B. Approve a contract with DiCon Consulting, P.C. in the amount of \$230,000 for construction administration and inspection services.

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- Charlotte Water has nine elevated storage tanks. The Wilgrove Elevated Water Storage Tank, located near Albemarle Road, was built in 1992. It is the last in the series to be reconditioned as a part of Charlotte Water's ongoing tank maintenance program.

Action A - Construction Contract

- The contract with Utility Service Co., Inc. will provide the materials and workmanship necessary for the rehabilitation of the Wilgrove Elevated Water Storage Tank.
- The tank will have minor renovations made to maintain Occupational Safety and Health Administration standards and receive a new coatings system with a 15-year warranty.
- On December 1, 2015, the City issued an Invitation to Bid for Wilgrove Elevated Water Storage Tank Reconditioning; two bids were received from interested service providers. The project was re-advertised and two bids were received again on January 14, 2016.
- Utility Service Co., Inc. was selected as the lowest responsive, responsible bidder.
- The project is anticipated to be complete by fall 2016.

Action B - Construction Administration and Inspection Services Contract

- The contract with DiCon Consulting, P.C. will provide for contract administration and inspection related to the rehabilitation of the Wilgrove elevated water storage tank.
- The rehabilitation project specifications require inspection by a National Association of Coatings Engineers Level 3 Inspector and periodic inspection by a Certified Welder Inspector.
- On October 29, 2015, the City issued a Request for Qualifications (RFQ) for Professional Engineering Services for Wilgrove Elevated Storage Tank Rehabilitation Construction Administration and Inspection. In response to the RFQ, the City received three proposals from interested professional service providers.
- Charlotte Water staff evaluated the proposals and determined that DiCon Consulting, P.C. is the best qualified firm to meet the City's needs on the basis of demonstrated competence and qualification of professional services in response to the RFQ requirements.

Charlotte Business INClusion

Action A

No subcontracting goal was established because there are no subcontracting opportunities (Part B: Section 2.3 of the Charlotte Business INClusion Policy).

Action B

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INClusion Policy). DiCon Consulting, P.C. is a City SBE.

Fiscal Note

Funding: Charlotte Water Community Investment Plan

Attachment

Map

[Wilgrove Elevated Water Storage Tank Map](#)

30. Septic Hauling Services for Wastewater Treatment Plants

Action:

- A. Approve a contract with Terry Enterprises, Inc. for septic hauling services for wastewater treatment plants for an initial term of one year, and**
- B. Authorize the City Manager to renew the contract for up to two additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.**

Staff Resource(s):

Barry Shearin, Charlotte Water

Explanation

- The City requires septic hauling services for small wastewater treatment plants operated by Charlotte Water. The company will haul non-hazardous waste materials, including but not limited to wastewater, sanitary sludge, accumulated grease, grit, trash, and rags from various processing structures located at the plants.
- All non-hazardous waste materials will be hauled to one location for disposal and either deposited in a septic receiving station where it will be processed for land application or deposited on a drying bed for disposal to a landfill.
- Annual expenditures are estimated to be \$128,000 a year for septic hauling from small Union County wastewater treatment plants. This cost will be paid from the fees paid to Charlotte Water from Union County Public Works (UCPW) for the operation and maintenance of the UCPW wastewater plants.
- Annual expenditures are estimated to be \$62,000 a year for septic hauling from the small Charlotte Water owned wastewater treatment plants.
- On November 30, 2015, the City issued a Request for Proposal (RFP) for Hauling Services for Wastewater Treatment Plants. In response to the RFP, the City received one proposal from an interested service provider.
 - The RFP was electronically advertised in addition to a notice of advertisement distributed to 16 vendors.
- The Project Team, consisting of staff from Charlotte Water and Union County, evaluated the proposals and determined that Terry Enterprises, Inc. best meets the City's needs in terms of qualifications, experience, cost, and responsiveness to RFP requirements.
- The contract gives the City the option to renew for two additional consecutive one-year terms with a price increase negotiated based on diesel fuel market conditions.

Charlotte Business INclusion

No subcontracting goal was established because there are no subcontracting opportunities (Part C: Section 2.1(a) of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: Charlotte Water Operating Budget

31. LYNX Blue Line Extension - Sugar Creek Pedestrian Bridge Railroad Agreement

Action:

Authorize the City Manager to negotiate and execute a bridge agreement with the North Carolina Railroad Company and Norfolk Southern Railway for maintenance and repair obligations covering the LYNX Blue Line Extension infrastructure in the North Carolina Railroad right-of-way.

Staff Resource(s):

Danny Rogers, CATS

Brad Thomas, City Attorney's Office

Explanation

- The LYNX Blue Line Extension alignment will run approximately 2.7 miles in the North Carolina Railroad Corridor and cross over property owned by the North Carolina Railroad Company (NCRR) and operated by Norfolk Southern Railway (NSR).
- Within the railroad right-of-way, the City will construct a pedestrian bridge for light rail users to cross over the freight tracks and access the Sugar Creek Station.
- The bridge agreement will be a three party agreement between the City, NCRR, and NSR.
- Terms and conditions will include the division of maintenance responsibilities for bridge structures and retaining walls, insurance and indemnity, giving notice of maintenance activities to railroad personnel, and new construction or alteration of existing improvements.
- On September 28, 2015, City Council awarded the Sugar Creek Parking Garage contract, which allowed construction of the pedestrian bridge in addition to the garage structure.
- On April 13, 2015, City Council authorized three other bridge agreements related to the LYNX Blue Line Extension project, for the 36th Street bridge, the Craighead bridge, and the bridge over Norfolk Southern's Aberdeen Carolina & Western freight tracks near Matheson Street.

Fiscal Note

Funding: CATS Community Investment Plan

32. LYNX Blue Line Extension - Construction Materials Testing and Special Inspection Services Contract Amendment

Action:

Approve contract amendment #6 in an amount up to \$1,000,000 to the LYNX Blue Line Extension contract with Kleinfelder Southeast, Inc. for construction materials testing and special inspection services.

Staff Resource(s):

Danny Rogers, CATS

Explanation

- On April 17, 2012, City Council awarded a contract in an amount up to \$9,000,000 to Kleinfelder Southeast, Inc. for Materials Testing and Special Inspections Services for the LYNX Blue Line Extension project.
- The LYNX Blue Line Extension project has experienced significant delays related to utility relocation and railroad requirements, which have affected the overall project completion date.
- As a result, the work by Kleinfelder Southeast, Inc. will continue for approximately 10 months longer than was forecast in the original cost estimate.
- In addition, the frequency of testing and inspections for retaining wall foundations required by Norfolk Southern Railway has been more extensive than anticipated.
- Contract amendment #6 will add up to \$1 million for the additional testing requirements and extended completion schedule.
- Five contract amendments have been approved to date for minor additions to the scope of work not originally included in the contract. These changes used contract contingency and did not require additional funds.
- The new total value of the contract, including this amendment, is an amount up to \$10,000,000.

Disadvantaged Business Enterprise

The additional contract scope authorized by this contract amendment will be held to the original contract DBE Goal of 11.75%.

Fiscal Note

Funding: CATS Community Investment Plan

33. CATS Retired Buses Donation

Action:

- A. Approve the donation of one retired CATS bus to Olympic High School, and**
- B. Approve the donation of one retired CATS bus to the Town of Matthews Fire Department.**

Staff Resource(s):

Larry Kopf, CATS

Explanation

- North Carolina General Statute 160A-274 allows City property to be donated to other governmental units, such as other cities and public schools, with or without consideration.
- CATS buses are purchased with funds from the Federal Transit Administration (FTA) (80%), North Carolina Department of Transportation (10%), and local funds (10%). The buses are eligible for retirement on a 12 year depreciation cycle pursuant to federal regulation. Fully depreciated buses may be disposed of pursuant to locally authorized methods. The FTA does not require reimbursement if the amount received for a retired bus is less than \$5,000.
- Olympic High School and the Town of Matthews would accept the donated buses "as is", without warranty.

Action A

- Olympic High School is taking part in an apprenticeship program designed by the CATS maintenance division. Students will be instructed on diesel mechanics and the proper care of a bus. One goal of the program is to help prepare students who might be interested in pursuing a career in diesel mechanics, potentially a career with CATS.
- CATS has a bus (Vehicle Identification Number 2NVYL82P9Y3000183) available that has reached its useful service life, is fully depreciated by FTA standards, and may therefore be retired and donated to Olympic High School.

Action B

- The Town of Matthews Fire Department is interested in training firefighters to better respond in the event of a bus fire. Using the bus for training purposes allows the firefighters to become familiar with the vehicle's features, such as ingress and egress points.
- CATS has six bus routes that provide over 14,000 hours of service annually through the Town of Matthews.
- CATS has a bus (Vehicle Identification Number 15GGD271931073727) available that has reached its useful service life, is fully depreciated by FTA standards, and may therefore be retired and donated to the Town of Matthews Fire Department.

Fiscal Note

Funding: Not Applicable

34. CATS Bus Towing Contract Amendment

Action:

Approve contract amendment #1 in the amount of \$45,000 to the CATS Bus Towing Services contract with Southern Star of Charlotte, Inc.

Staff Resource(s):

Larry Kopf, CATS

Edward Pullan, CATS

Explanation

- On September 1, 2014, CATS entered into a contract for bus towing services with Southern Star of Charlotte for an estimated cost of \$30,000 annually. The contract was for a two-year term, with the option for one additional year. The total amount for this contract was \$90,000.
 - The original contract was designed to provide towing services for the fixed route bus fleet only; and the cost estimate was based on the historical average number of bus tows required during the length of the contract.
- Since the contract has been in place, CATS has absorbed maintenance of the Special Transportation Services fleet. There are 88 vehicles in this fleet of smaller buses that provide services to individuals with disabilities.
- The inclusion of the Special Transportation Services fleet under this towing contract requires additional funding of \$45,000.
- The new contract value, including the amendment is \$135,000.

Charlotte Business INClusion

No subcontracting goal was established for this amendment because there are no opportunities (Part D: Section 6 of the Charlotte Business INClusion Policy).

Fiscal Note

Funding: CATS Operating Budget

35. CATS Amenities Bus Stop Benches

Action:

- A. Approve the purchase of transit bus stop benches, as authorized by the sole source exemption of G.S. 143-129 (e)(6),
- B. Approve a unit price contract with Simme, LLC for the purchase of transit bus stop benches for a term of two years, and
- C. Authorize the City Manager to renew the contract for up to three additional, one-year terms with possible price adjustments and to amend the contract consistent with the City's business needs and the purpose for which the contract was approved.

Staff Resource(s):

Steve Warren, CATS

Sole Source Exemption

- G.S. 143-129 (e) (6) provides that formal bidding requirements do not apply when:
 - Performance or price competition are not available;
 - A needed product is available from only one source or supply; or
 - Standardization or compatibility is the overriding consideration.
- Sole sourcing is necessary for this contract because there is only one supply source.
- City Council must approve purchases made under the sole source exception.

Explanation

- The Charlotte Area Transit System (CATS) currently uses Simme-Seats at bus stops selected for areas where traditional seating will not work due to limited location space.
- The seats are a unique design - the sign base and seats are combined into one surface mounted unit. Simme, LLC has a patent on the design, is the manufacturer of the product, and is the sole distributor of the product.
- The design enables CATS to provide bus stop seating in areas of limited right-of-way. This application saves \$87 per unit compared to standard bench and bus stop sign base designs.
- The Simme-Seats unit can be installed without constructing the standard concrete bench pad, resulting in further savings of approximately \$2,000 in construction costs.
- Additionally, the Simme-Seats enhance comfort, are popular among users, and are fully compliant with the Americans with Disabilities Act.
- Each Simme-Seat costs \$456.
- Annual expenditures under the contract are estimated to be \$95,035.

Charlotte Business INclusion

This is a sole source contract and is exempt (Part A: Appendix 1.27 of the Charlotte Business INclusion Policy).

Fiscal Note

Funding: CATS Community Investment Plan

36. Refund of Property Taxes

Action:

Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$48,686.38.

Staff Resource(s):

Robert Campbell, Management & Financial Services

Explanation

- Notification of Property Tax and Business Privilege License Tax refunds due to clerical or assessor error are provided to the City by Mecklenburg County.

Pearson Review Update

- In accordance with the ordinance approved by the City Council on August 25, 2014, and North Carolina law, a list of refunds, which have been paid since the last City Council Business Meeting as a result of the Pearson Review, is available at the City Clerk's Office.
- The amount of Pearson Review refunds paid since the last City Council Business Agenda Meeting on February 8, 2016, totaled \$1,447,310.62.

Fiscal Note

Funding: Not applicable

Attachment

Taxpayers and Refunds Requested and Resolution

[Taxpayers and Refunds Requested](#)

37. Resolution of Intent to Abandon an Unopened Portion of E. Worthington Avenue

Action:

- A. Adopt a Resolution of Intent to abandon an unopened portion of E. Worthington Avenue, and**
- B. Set a public hearing for March 28, 2016.**

Staff Resource(s):

Jeff Boenisch, Transportation

Explanation

- The portion of E. Worthington Avenue is located in Council District 1.

Attachment

Map

Resolution

[Map E. Worthington Avenue 2-22-16](#)

[Resolution of Intent to Close a portion of E. Worthington Avenue](#)

38. Meeting Minutes

Action:

Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of:

- **January 19, 2016, Zoning Meeting**

Staff Resource(s):

Stephanie Kelly, City Clerk's Office

PROPERTY TRANSACTIONS

39. Land Purchase for Tree Canopy Preservation Program

Action:

- A. Approve the purchase of four contiguous parcels of approximately 71 acres located near Robinson Church Road and Plott Road in Charlotte (parcel identification numbers 108-112-03, 108-112-04, 108-071-13, and 108-042-10A) for \$884,295 from three property owners, and
- B. Authorize the City Manager to negotiate and grant a Conservation Easement to the Catawba Lands Conservancy.

Staff Resource(s):

Tim Porter, Engineering & Property Management

Amanda Byrum, Engineering & Property Management

Explanation

- Effective January 1, 2011, City Council approved revisions to the City's Tree Ordinance. The revised Ordinance changed tree save and tree planting requirements for commercial development and offered mitigation options at certain development locations.
- One mitigation option allows developers to pay into the Tree Ordinance Mitigation Fund (Fund), administered by the City, in lieu of saving trees on site.
- The City uses the Fund for property acquisition and expenditures associated with ongoing tree preservation and maintenance.
- City staff has established a Tree Canopy Preservation Program to set criteria for future acquisitions, including location, acreage, tree quality, rate of development in the area, connectivity to other open space or greenways, and opportunities for stewardship partner involvement.
- Staff researched many properties located primarily within Charlotte's city limits or within the City's extraterritorial jurisdiction and identified these properties as a partnership opportunity with the Catawba Lands Conservancy, meeting the program criteria.
- The four properties were subject to a timber harvesting operation in 2009 that removed approximately 45 of the 71 acres of mature forest that existed on site. Preserving the new growth that has regenerated in the timbered areas will result in a net tree canopy gain of 45 acres.
- Staff is working to develop a forest management plan with the North Carolina Forest Service for implementation following the acquisitions.
- Three of the four parcels were listed for sale, and the owner of the fourth parcel approached City staff with interest in the sale of the adjacent property. Staff negotiated purchase prices with each of the property owners based on appraised value findings and marketed list prices.
- The Catawba Lands Conservancy will apply for a Clean Water Management Trust Fund grant for the purchase of a Conservation Easement following acquisition by the City. If the Catawba Lands Conservancy does not receive the grant funds, the City will donate a Conservation Easement to ensure stewardship and maintenance of the property in perpetuity.
- The Charlotte-Mecklenburg Planning Commission recommended approval for the City to purchase the land.
- Contingent upon City Council approval and acquisition of these properties, anticipated in August 2016, the Tree Ordinance Mitigation Fund will have a projected balance of approximately \$629,000. Staff has developed a working priority list of additional property acquisitions using the remaining balance of the funds.

Fiscal Note

Funding: General Community Investment Plan - Tree Preservation Program

Attachment

Map

[Location Map -Land Purchase for Tree Canopy Preservation Program](#)

40. Property Transactions - Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Action: Approve the following Condemnation: Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Project: Mt.Holly-Huntersville 11810 Road Sanitary Sewer, Parcel #5

Owner(s): Elpiniki Karagiannis and Stantoula K. Drosinis

Property Address: 11725 Mt. Holly-Huntersville Road

Total Parcel Area: 267,236 sq. ft. (6.135 ac.)

Property to be acquired by Easements: 7,358 sq. ft. (.169 ac.) in Sanitary Sewer Easement, plus 4,196 sq. ft. (.096 ac.) in Temporary Construction Easement

Structures/Improvements to be impacted: None

Landscaping to be impacted: None

Zoned: Commercial Business

Use: Single-family Residential - Rural Acreage

Tax Code: 017-203-04

Appraised Value: \$775

Property Owner's Counteroffer: \$1,000

Recommendation: To avoid delay in the project schedule, staff recommends proceeding to condemnation for clear title to acquire necessary property rights.

Council District: N/A (Huntersville)

REFERENCES

41. Reference - Charlotte Business INClusion Policy

The following excerpts from the City's Charlotte Business INClusion Policy are intended to provide further explanation for those agenda items which reference the Charlotte Business INClusion Policy in the business meeting agenda.

Part A: Administration & Enforcement

Appendix Section 20: Contract: For the purposes of establishing an MWSBE subcontracting goal on a Contract, the following are examples of contract types:

- Any agreement through which the City procures services from a Business Enterprise, other than Exempt Contracts.
- Contracts include agreements and purchase orders for (a) construction, re-construction, alteration and remodeling; (b) architectural work, engineering, surveying, testing, construction management and other professional services related to construction; and (c) services of any nature (including but not limited to general consulting and technology-related services) , and (d) apparatus, supplies, goods or equipment.
- The term "Contract" shall also include Exempt Contracts for which an SBE, MBE or WBE Goal has been set.
- Financial Partner Agreements, Development Agreements, and Construction Manager-at-Risk Agreements shall also be deemed "Contracts," but shall be subject to the provisions referenced in the respective Parts of the Charlotte Business INClusion Program Policy.

Appendix Section 27: Exempt Contracts: Contracts that fall within one or more of the following categories shall be "Exempt Contracts" from all aspects of the Charlotte Business INClusion Policy, unless the Department responsible for procuring the Contract decides otherwise:

No Competitive Process Contracts: Contracts or purchase orders that are entered into without a competitive process, or entered into based on a competitive process administered by an entity other than the City shall be Exempt Contracts, including but not limited to contracts that are entered into by sole sourcing, piggybacking, buying off the North Carolina State contract, buying from a competitive bidding group purchasing program as allowed under G.S. 143-129(e)(3), or using the emergency procurement procedures established by the North Carolina General Statutes.

Managed Competition Contracts: Managed competition contracts pursuant to which a City Department or division competes with Business Enterprises to perform a City function shall be Exempt Contracts.

Real Estate Leasing and Acquisition Contracts: Contracts for the acquisition or lease of real estate shall be Exempt Contracts.

Federal Contracts Subject to DBE Requirements: Contracts that are subject to the U.S. Department of Transportation Disadvantaged Business Enterprise Program as set forth in 49 CFR Part 26 or any successor legislation shall be Exempt Contracts.

State Contracts Subject to MWBE Requirements: Contracts for which a minority and women business participation goal is set pursuant to G.S. 143-128.2(a) due to a building project receiving funding from the State of North Carolina shall be Exempt Contracts.

Financial Partner Agreements with DBE or MWBE Requirements: Contracts that are subject to a disadvantaged business development program or minority and women business development program maintained by a Financial Partner shall be Exempt Contracts.

Interlocal Agreements: Contracts with other units of federal, state, or local government shall be Exempt Contracts.

Contracts for Legal Services: Contracts for legal services shall be Exempt Contracts, unless otherwise indicated by the City Attorney.

Contracts with Waivers: Contracts for which the SBO Program Manager or the City Manager waives the SBO Program requirements shall be Exempt Contracts (such as when there are no SBE subcontracting

opportunities on a Contract).

Special Exemptions: Contracts where the Department and the Program Manager agree that the Department had no discretion to hire an SBE (e.g., emergency contracts or contracts for banking or insurance services) shall be Exempt Contracts.

Appendix Section 35: Informal Contracts: Contracts and purchase orders through which the City procures services from a Business Enterprise that fall within one of the following two categories:

Construction Contracts Less Than or Equal To \$500,000:

Service and Commodities Contracts That Are Less Than or Equal To \$100,000:

Part B: Formal Construction Bidding

Part B: Section 2.1: When the City Solicitation Documents for a Construction Contract contain an MWSBE Goal, each Bidder must either: (a) meet the MWSBE Goal, or (b) comply with the Good Faith Negotiation and Good Faith Efforts requirements. Failure to do so constitutes grounds for rejection of the Bid. The City Solicitation Documents will contain certain forms that Bidders must complete to document having met these requirements.

Part B: Section 2.3: No Goals When There Are No Subcontracting Opportunities.

The City shall not establish Subcontracting Goals for Contracts where: a) there are no subcontracting opportunities identified for the Contract; or b) there are no SBEs, MBEs or WBEs (as applicable) to perform scopes of work or provide products or services that the City regards as realistic opportunities for subcontracting.

Part C: Services Procurement

Part C: Section 2.1: When the City Solicitation Documents for a Service Contract do not contain an SBE Goal, each Proposer must negotiate in good faith with each MWSBE that responds to the Proposer's solicitations and each MWSBE that contacts the Proposer on its own accord. Additionally, the City may negotiate a Committed SBE Goal with the successful Proposer after the Proposal Opening.

Part C: Section 2.1: No Goal When There Are No MWSBE Subcontracting Opportunities. The City shall not establish an MWSBE Goal for Service Contracts where there are no MWSBEs certified to perform the scopes of work that the City regards as realistic opportunities for subcontracting.

Part D: Post Contract Award Requirements

Part D: Section 6: New Subcontractor Opportunities/Additions to Scope, Contract Amendments

If a Contractor elects to subcontract any portion of a Contract that the Contractor did not previously identify to the City as a subcontracting opportunity, or if the scope of work on a Contract increases for any reason in a manner that creates a new MWSBE subcontracting opportunity, the City shall either:

- Notify the Contractor that there will be no Supplemental MWSBE Goal for the new work; or
- Establish and notify the Contractor of a Supplemental MWSBE Goal for the new work.

42. Reference - Property Transaction Process

Property Transaction Process Following Council Approval for Condemnation

The following overview is intended to provide further explanation for the process of property transactions that are approved by City Council for condemnation.

Approximately six weeks of preparatory work is required before the condemnation lawsuit is filed. During this time, City staff continues to negotiate with the property owner in an effort to reach a mutual settlement.

- If a settlement is reached, the condemnation process is stopped, and the property transaction proceeds to a real estate closing.
- If a settlement cannot be reached, the condemnation lawsuit is filed. Even after filing, negotiations continue between the property owner and the City's legal representative. Filing of the condemnation documents allows:
 - The City to gain access and title to the subject property so the capital project can proceed on schedule.
 - The City to deposit the appraised value of the property in an escrow account with the Clerk of Court. These funds may be withdrawn by the property owner immediately upon filing, and at any time thereafter, with the understanding that additional funds transfer may be required at the time of final settlement or at the conclusion of litigation.
- If a condemnation lawsuit is filed, the final trial may not occur for 18 to 24 months; however, a vast majority of the cases settle prior to final trial. The City's condemnation attorney remains actively engaged with the property owner to continue negotiations throughout litigation.
 - North Carolina law requires that all condemnation cases go through formal non-binding mediation, at which an independent certified mediator attempts to facilitate a successful settlement. For the minority of cases that do not settle, the property owner has the right to a trial by judge or jury in order to determine the amount of compensation the property owner will receive.

43. Reference - Property Acquisitions and Condemnations

- The City has negotiated in good faith to acquire the properties set forth below
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review.
- Real Estate staff diligently attempts to contact all property owners by:
 - Sending introductory letters via regular and certified mail;
 - Making several site visits;
 - Leaving door hangers and business cards;
 - Seeking information from neighbors;
 - Searching the internet
 - Obtaining title abstracts, and
 - Leave voice messages
- For most condemnation cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to ensure a clear title to the property.
- If the City Council approves the resolutions, the City Attorney's office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to a trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.
- The definition of easement is a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, it is either for the benefit of land, such as right to cross A to get to B, or "in gross", such as public utility easement.
- The definition of fee simple is an estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited, commonly, synonym for ownership.

Adjournment